

AMENDMENT

IN SPECIFICATION

Please amend the specification as indicated in Appendix A submitted herewith according to 37 C.F.R. § 1.121 concerning a manner for making amendments.

IN THE CLAIMS

Please amend the claims as indicated in Appendix B submitted herewith according to 37 C.F.R. § 1.121 concerning a manner for making claim amendments.

REMARKS

Claims 1-41 are pending in the captioned application with claims 1-23 and 28-41 withdrawn from consideration. Claims 24-27 are currently under consideration and amended by the enclosed papers to overcome the outstanding objections and rejections.

Claim 24 has been amended to change the ratio range of TNF- α to IL-2 from "3.2 to 10.9" to "3.2 to 11.3". Support for the amendment can be found in the dependent claim 25, which was objected to as being in improper dependent format for containing the larger range of "3.2 to 11.3". Accordingly, the range in dependent claim 25 has been amended to "3.2 to 10.9". Similar

amendments were made with respect to independent claim 26 and dependent claim 27.

Independent claims 24 and 26 have also been amended to contain the proviso that IL-12 is present in only trace quantities. Support for this proviso is found in the specification at page 12, lines 1 and 2 from the bottom of the page.

The term "trace quantities" particularly points out and distinctly claims the subject matter of the invention because one of ordinary skill would understand that "trace quantities" means quantities just above the level of detection of the assay. Applicant notes the Declaration filed on March 9, 2004, under § 1.132 by the inventor Dr. Eyal Talor showing that the present invention only has trace amounts of IL-12 with a mean value of 42 pg/ml. A mean value of 42 pg/ml is outside the specifically disclosed range of 100-10,000 pg/ml of IL-12 disclosed by the cited art.

The specification has also been amended to correct minor inconsistencies within the ranges. See Preliminary Amendment of March 9, 2004. The minor inconsistencies are to correct typographical errors. Support for the changes can be found in the +/- error ranges.

For example, the IL-10 to IL-2 ratio in paragraph 15 of the specification has been amended to recite a ratio range of "2.82 to

3.22" from "2.87 to 3.22". Support for the lower bound of 2.82 is disclosed in the preferred range of 3.0 +/-0.18. The lower limit of 2.82 is supported by the fact that the preferred range 3.0 +/-0.18 provides for the lower limit of the preferred range:

$$3.0 - 0.18 = 2.82$$

Therefore, support is provided for the lower range of 2.82.

It is noted that if the amendment is not entered then the disclosed preferred range of 3.0 +/-0.18 is outside the preferred range because 2.87 is higher the lower limit of the preferred range. The remaining changes to the ratio ranges are similarly supported by the specification. Although not entered into the pending claims because they are withdrawn, Applicants make the same arguments over the amended ranges within the withdrawn claims.

No new matter within the meaning of § 132 has been added by any of the amendments.

Finally, it is noted that the Examiner maintained the restriction requirement because the inclusion of different molecules imparts functional and chemical distinctness to the independent compositions.

Accordingly, Applicant respectfully requests the Examiner to enter the indicated amendment, withdraw the outstanding rejections in view of the arguments and amendments and allow all presently pending claims.